

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIA ACEVEDO

V.

TRANSMONTAIGNE INC.,
TRANSMONTAIGNE SERVICES, INC.
aka TRANSMONTAIGNE PRODUCT
SERVICES INC., and

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CIVIL ACTION NO.
09-CV-00207

PLAINTIFF MARIA ACEVEDO'S INITIAL DISCLOSURES

TO: Defendant TRANSMONTAIGNE, INC., TRANSMONTAIGNE SERVICES, INC. aka TRANSMONTAIGNE PRODUCT SERVICES, INC., through its attorney of record, Christopher Smith, THOMPSON & KNIGHT, LLP, 4040 Broadway Suite 615, San Antonio, TX 78209.

COMES NOW Plaintiff Maria Acevedo and makes these initial disclosures pursuant to Federal Rule of Civil Procedure 26 (a)(1).

A. Individuals with Discoverable Information

1. The name, address, and telephone number of individuals likely to have discoverable information relevant to disputed facts alleged in the pleadings include:

Please see Plaintiff's Response to Disclosures which provides the following information.

Maria Acevedo
5372 Amatista, Drive
Brownsville, Texas 78521
Plaintiff in this cause. Will testify regarding the sexual harassment and retaliation while employed with the corporate Defendant.

Mark Helmke
10150 State Highway 48
Brownsville, Texas 78521
Defendant in this cause. Will testify regarding his role in Plaintiff's claim.

Kevin Garcia
10150 State Highway 48
Brownsville, Texas 78521

Aware of Plaintiff's sexual harassment claim. Person who terminated Plaintiff.

Carlos Arizmendi
10150 State Highway 48
Brownsville, Texas 78521

Plaintiff reported sexual harassment to this individual.

Joanne Garcia

Address unknown. Will supplement

Former assistant to Mark Helmke. Will testify regarding her relationship with Defendant Helmke.

Javier Abrego

Address unknown. Will supplement.

Former operator for Defendant corporation.

Was told Plaintiff was having a relationship with Mark Helmke

David Villarreal
10150 State Highway 48
Brownsville, Texas 78521

Pipeline operator with company. Aware of Plaintiff's sexual harassment claim.
Heard Mark Helmke saying things about Plaintiff.

Alfonso Guerra
10150 State Highway 48
Brownsville, Texas 78521

Was told to stay away from Plaintiff, because she was having a relationship with Defendant Helmke.

Sandra Loyde

Address unknown. Will supplement.

Saw Mark Helmke touching Plaintiff.

Lynda Prino

Address unknown. Will supplement.

Former safety manager.

Aware of allegations of Defendant Helmke touching Plaintiff.

Ignacio LNU
10150 State Highway 48
Brownsville, Texas 78521

Was told not to get close to Plaintiff.

Eric Arriaga
10150 State Highway 48
Brownsville, Texas 78521
Witnessed Defendant Helmke touching Plaintiff inappropriately.

Greg David
10150 State Highway 48
Brownsville, Texas 78521
Told Plaintiff to be careful because Mark Helmke had installed camera directly at Plaintiff and Defendant Helmke would watch when she would bend over.

Melinda Denks
10150 State Highway 48
Brownsville, Texas 78521
Told Plaintiff about gestures Defendant Helmke had made about her.

B. RELEVANT DOCUMENTS & TANGIBLE THINGS

2. Plaintiff has provided all relevant documents and tangible things in her possession in response to Defendant's Request for Production. The following is a numerical list of the documents produced to Defendant.

1. TransMontaigne Product Services, Inc., New Employee Packet
2. Work Separation Details
3. July 31, 2007, Record of Verbal Warning
4. January 16, 2006, Disciplinary Action
5. Various EEOC documents
6. Intake Questionnaire
7. 2008, W-2
8. TransMontaigne, Personnel Department Contact List
9. Texas Workforce Commission, Civil Rights Division, various documents.

C. INFORMATION RELATED TO CALCULATION OF DAMAGES

3. The following is information related to the calculation of Damages.

Plaintiff's economic damages may be calculated by taking her annual salary and benefits times the number of years until Plaintiff's expected retirement age.

The Plaintiff cannot place a value on the mental anguish and emotional distress caused by the discriminatory conduct of the Plaintiff and will leave that to the jury's discretion. However, damages are capped by statute.

If Plaintiff is the prevailing party in this cause, she may be entitled to attorney's fees and costs. The hourly fee charged by the attorney is \$200/hr. The amount of

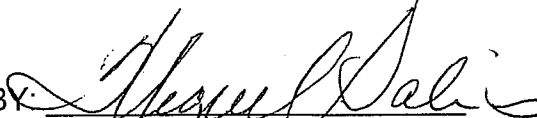
attorney's fees will be based on the number of hours spent in prosecuting this claim.

Costs and expenses are ongoing. Plaintiff will provide an itemized list of the costs and expenses as they are incurred.

D. INSURANCE

4. The Plaintiff does not have any insurance that may be applicable in this case.

Respectfully submitted,
LAW OFFICE OF MIGUEL SALINAS

BY: 

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